

REMARKS

Claims 1-28 are pending in the application. Claims 1-28 have been rejected.

Reconsideration of the Claims is respectfully requested.

I. REJECTIONS UNDER 35 U.S.C. § 102

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Claims 1-8 and 13-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by Tamai (US Patent No. 7,031,946). These rejections are respectfully traversed for the following exemplary reasons.

Independent Claim 1 recites, “*retrieving a waveform and at least one code associated with said waveform from a storage media.*” Independent Claim 13 recites a similar feature. This exemplary feature of Claims 1 and 13 has not been found in Tamai. The Office Action alleges that this feature is found at lines 4-11 of Tamai column 15. However, and as previously indicated in Applicant’s Response of October 24, 2006, that portion of Tamai discloses generating a pulse wave signal, but does not disclose retrieving a waveform from storage media as recited in Claims 1 and 13. In purported rebuttal, the Office Action states (in the third paragraph of item #4 on page 2):

“Tamai et al discloses the instruction generating unit 104 generates a pulse signal wave based on the identification code after outputting a pulse signal wave based on the identification code response instruction, and outputs the generated pulse signal wave to the modulating/demodulating unit 111.”

Nothing in this purported rebuttal demonstrates that Tamai retrieves a waveform from storage media as recited in Claims 1 and 13.

Independent Claim 1 recites, “*retrieving at least one key associated with said signal generator.*” Independent Claim 13 recites a similar feature. This exemplary feature of Claims 1 and 13 has not been found in Tamai. The Office Action alleges that this feature is found at lines 56-63 of Tamai column 15. However, and as previously indicated in Applicant’s Response of October 24, 2006, the key that is mentioned in that passage of Tamai is not associated with a signal generator as recited in Claims 1 and 13. In purported rebuttal, the Office Action states (in the third paragraph of item #4 on page 2):

“Tamai et al discloses that the encrypting unit 108 receives the area key from the controlling unit.”

Nothing in this purported rebuttal demonstrates that Tamai’s area key is associated with a signal generator as recited in Claims 1 and 13.

Independent Claim 1 recites, “*comparing said at least one code associated with said waveform and said at least one key.*” Independent Claim 13 recites a similar feature. This exemplary feature of Claims 1 and 13 has not been found in Tamai. The Office Action alleges that this feature is found at lines 26-43 of Tamai column 15. However, and as previously indicated in Applicant’s Response of October 24, 2006, that passage of Tamai does not mention any comparing. In purported rebuttal, the Office action states (in the fifth paragraph of item #4, bridging pages 2 and 3):

“The comparator 235 receives encrypted random number R0’ from the instruction decoding unit 207, and searches the generated random number storing unit 234 for an encrypted random number that matches encrypted random number R0’. If there is the matching encryption random number, the comparator 235 outputs number Xi that identifies the matching encrypted random number, to the controlling unit 209. For instance, if the matching encrypted random number is R1, the number Xi is 1. If the matching encrypted random number is R2, the number Xi is 2. Number Xi is a number used for identifying a stage area. When number Xi is 1, 2, 3, 4, or 5, it identifies the manufacture, distribution, sale, service, or collection/recycle stage area, respectively.”

The above-quoted passage from the Office Action indicates that, in Tamai, an encrypted random number received from an instruction decoding unit 207 is compared to one or more encrypted random numbers in a generated random number storage unit 234. Even assuming, for purposes of argument only, that this is an accurate description of Tamai’s teaching, nevertheless, nothing in the above-quoted passage from the Office Action even alleges that the Tamai key (see lines 56-63 of Tamai column 15, as applied by the Office Action against the “key” limitation recited in Claims 1 and 13) is involved in any comparing. This is not surprising, because, as clearly described at lines 56-63 of Tamai column 15, the Tamai key is an encryption key that is used to produce encrypted random numbers. As such, the Tamai key does not appear to be involved in any comparing.

Independent Claim 1 recites, “*downloading said waveform to said signal generator under condition that said at least one code matches said at least one key.*” Independent Claim 13 recites a similar feature. This exemplary feature of Claims 1 and 13 has not been found in Tamai. The Office Action alleges that this feature is found at lines 26-43 of Tamai column 15. However, and as previously indicated in Applicant’s Response of October 24, 2006, that passage of Tamai relates to generation of a pulse signal wave by a signal generator, and does not mention downloading a waveform to a signal generator as recited in Claims 1 and 13, much less under the specific condition quoted above from Claim 1. In purported

rebuttal, the Office Action provides the passage last quoted above. However, that passage of the Office Action does not mention any waveform downloading, in contrast to Claims 1 and 13.

As demonstrated above, Tamai does not teach each and every element of independent Claims 1 and 13 arranged as they are in Claims 1 and 13. Applicant therefore respectfully requests withdrawal of the § 102(e) rejections of Claims 1-8 and 13-24.

II. REJECTIONS UNDER 35 U.S.C. § 103

Claims 9 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tamai in view of Reitmeier (US Patent No. 6,560,285), and Claims 10-12 and 26-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tamai in view of Rajsuman (US Patent No. 5,963,566). These rejections are respectfully traversed for the following exemplary reasons.

The aforementioned Claims 9-12 and 25-28 recite all of the exemplary features discussed above with respect to the rejections of Claims 1-8 and 13-24. Both Reitmeier and Rajsuman fail to remedy the above-described deficiencies of Tamai. As a result, the rejections of Claims 9-12 and 25-28 are overcome for at least the same reasons given above with respect to the rejections of Claims 1-8 and 13-24.

Furthermore, independent Claim 26 recites, “*an automatic test equipment system adapted to request said download application to download said waveform to said signal generator.*” The Office Action alleges that this feature is found in Rajsuman, particularly at lines 25-37 of column 6. This allegation is respectfully traversed for the following exemplary reasons.

The cited portion of Rajsuman relates to downloading a test algorithm, test subroutines, and associated functional commands to an integrated circuit. The downloaded

test algorithm, test subroutines and associated functional commands are software. This downloaded software is executed by a microprocessor within the integrated circuit in order to test the integrated circuit (see also lines 34-44 of column 3 and lines 38-41 of column 6). Thus, Rajsuman, like Tamai, fails altogether to teach downloading a waveform as recited in Claim 26. Moreover, in Rajsuman, the automatic test equipment fixture is the entity that downloads the aforementioned software to the integrated circuit. The passage of Rajsuman cited in the Office Action (lines 25-37 of column 6) explicitly teaches that the microprocessor within the integrated circuit executes a download command 102 that causes the automatic test equipment fixture to download test subroutines and associated commands to the integrated circuit. So it is the integrated circuit that requests the download, and the automatic test equipment fixture that sources the download in response to the request. Rajsuman thus fails to teach the above-quoted feature of Claim 26, and its dependent Claims 27 and 28.

Applicant respectfully requests withdrawal of the § 103 rejections of Claims 9-12 and 25-28 in view of the foregoing.

III. CONCLUSION

As a result of the foregoing, the Applicant asserts that all Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number or email address indicated below.

Respectfully submitted,

ANDREW CAMINSCHI

Dated: 3/23/2007

By Holly L. Rudnick
Holly L. Rudnick
Registration No. 43,065

Garlick, Harrison & Markison, LLP
P.O. Box 670007
Dallas, Texas 75367
(Direct) (214) 387-8097
(Fax) (214) 387-7949
(Email) hrudnick@texaspatents.com